

DOCKET NO. P05820
Customer No. 23990



172

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : RICHARD W. FOOTE
Serial No. : 10/801,268
Filed : March 16, 2004
For : SYSTEM AND METHOD FOR PROVIDING A SELF HEATING
ADJUSTABLE TiSi₂ RESISTOR
Group No. : 2891
Examiner : Bradley Smith

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

Sir:

The undersigned hereby certifies that the following documents:

1. Response to Restriction Requirement; and
2. A postcard receipt;

relating to the above application, were deposited as "First Class Mail" with the United States Postal Service, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 21, 2005.

Date: 11/21/05

Kathy Cedor

Mailer

Date: Nov 21, 2005

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In re application of : RICHARD W. FOOTE
Serial No. : 10/801,268
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HEATING ADJUSTABLE TiSi2 RESISTOR
Group No. : 2891
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

This Response to Restriction Requirement responds to a Restriction Requirement that was mailed on October 20, 2005. The date for responding to the Restriction Requirement is November 20, 2005. Because November 20, 2005 is a Sunday, the date for responding is extended to Monday, November 21, 2005.

In response to the Restriction Requirement, the Applicants provisionally elect the claims of Group I, Claims 1-10, without traverse.

The Restriction Requirement characterizes Claims 1–10 (Group I) as drawn to “a method” and Claims 11-20 (Group II) as drawn to “a device.” (October 20, 2005 Restriction Requirement, Page 2, Paragraph 1). The Restriction Requirement makes the following statement:

The inventions are distinct, each from the other because of the following reasons: Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP 806.05(f)). In the instant case device could be made by sputtering the titanium silicide onto the substrate. (October 20, 2005 Restriction Requirement, Page 2, Paragraph 2).

The Restriction Requirement stated that the “device could be made by sputtering the titanium silicide onto the substrate.” The Applicant accepts this statement of the Examiner and accepts the requirement for restriction.

SUMMARY

If any issue arises, or if the Examiner has any suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at wmunck@davismunck.com.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: Nov. 21, 2005



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